

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-8, 10, 12-20, 22, 24, 26, and 27 are presently active in this case.

In the outstanding Office Action, Claims 1-4, 6-8, 10, 12-20, 22, 24 and 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over Immonen, et al. (U.S. Patent No. 7,010,305, herein “Immonen”) in view of Hodgkinson, et al. (U.S. Patent No. 7,209,437, herein “Hodgkinson”); and Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Immonen in view of Rinne (U.S. Publication No. 2005/0185651).

Applicants respectfully traverse the rejections of the pending claims.

The outstanding Office Action asserts Immonen as teaching every element of Claim 1 except “if radio resources still remain after assignment...assigns remaining radio resources,” which it asserts Hodgkinson as teaching.

However, the proposed modification of Immonen with Hodgkinson does not cure the deficiencies of Immonen conceded to in the outstanding Office Action.

Hodgkinson describes buffering and transmitting all data at a high priority until local cache at a client reaches a predetermined threshold. At that point, all data is buffered and transmitted at a low priority.

However, Hodgkinson does not teach or suggest any distinction in high priority and low priority data. The switch from the high to the low priority buffer is based solely on the conditions at the client. Thus, Hodgkinson does not cure the deficiencies of Immonen with regard to the recitation of “**if radio resources still remain after assignment to the quantitative guarantee type packet** in the quantitative guarantee type buffer, the radio resource assignment unit **assigns remaining radio resources to the relative guarantee type packet** in the relative guarantee type buffer,” because Hodgkinson does not allocate all radio

resources to one type of packet and assign remaining resources to another type of packet at all. The modification of Immonen with Hodgkinson would not result in a system in which all transmissions from user equipment 11 that specifies QoS profile are given high priority. Instead, all transmissions up to a predetermined threshold cache of a receiver, regardless of whether or not QoS profile were specified, would be high priority.

Because Hodgkinson does not cure the deficiencies of Immonen, the issue of the propriety of the combination of the two references is not even reached in this case.

Further, because Immonen and Hodgkinson, even in combination, do not teach or suggest every feature of amended Claim 1, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claim 1 and Claims 2-4, 6-8, 10, 12, 13, 16, and 22, which depend therefrom, be withdrawn.

Claims 14 and 15, though differing in scope and statutory class from Claim 1, patentably define over the combination of Immonen and Hodgkinson for similar reasons as Claim 1. Thus, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claim 14, Claims 18, 19, and 24, which depend therefrom, Claim 15, and Claims 20 and 26, which depend therefrom, be withdrawn.

Claim 5 depends from Claim 1 and, therefore, patentably defines over Immonen for at least the same reasons as Claim 1. Further, Rinne is cited solely as teaching features of dependent Claim 5 and does not cure the deficiencies of Immonen conceded in the outstanding Office Action and noted above with regard to Claim 1. Thus, Applicants respectfully request that the rejection of Claim 5 under 35 U.S.C. § 103(a) be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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